

FILED & ENTERED

FEB 28 2017

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
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**NOT FOR PUBLICATION**

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

**LOS ANGELES DIVISION**

In re:

C & M RUSSELL, LLC,

Debtor.

Case No. 2:11-bk-53845-RK

Chapter 7

Adv. No. 2:16-ap-01577-RK

MATTIE BELINDA EVANS, an individual  
Chief Executive Manager as Real Party in  
Interest for C & M RUSSELL, LLC, and  
Trustee of Mattie B. Evans Family Trust,

Plaintiff,

v.

ALAN G. TIPPIE, an individual, attorney  
for **SULMEYERKUPETZ**, a professional  
corporation, and DOES 1 through 100,  
inclusive,

Defendants.

**ORDER DENYING PLAINTIFF'S  
MOTIONS FOR RECONSIDERATION OF  
THE COURT'S MEMORANDUM  
DECISION AND ORDER ON  
PLAINTIFF'S MOTION TO REMAND**

Pending before the court is the original and supplemental motions of Plaintiff Mattie Belinda Evans for reconsideration of the court's decision and order denying her motion to remand, Electronic Filing Numbers ("ECF") 18 and 19, filed on February 6 and 8, 2017. A hearing on the motions for reconsideration was conducted on February 21, 2017. Plaintiff, who is self-represented, appeared for herself. David J. Richardson, of the

1 law firm of SulmeyerKupetz, appeared for Defendants Alan G. Tippie, *et al.* After hearing  
2 from the parties on February 21, 2017, the court took the reconsideration motions under  
3 submission.

4       The motions for reconsideration are contested matters within the meaning of  
5 Federal Rule of Bankruptcy Procedure 9014. Although the Federal Rules of Civil  
6 Procedure and Federal Rules of Bankruptcy Procedure do not expressly authorize a  
7 motion for reconsideration, “the [trial] court has the inherent power to reconsider and  
8 modify its interlocutory orders prior to the entry of judgment.” See 3 Wagstaffe, *Rutter*  
9 *Group Practice Guide: Federal Civil Procedure Before Trial*, ¶12:158 at 12-67 (2016),  
10 quoting, *Smith v. Massachusetts*, 543 U.S. 462, 475 (2005). However, reconsideration is  
11 an “extraordinary remedy, to be used sparingly,” and absent highly unusual  
12 circumstances, a motion for reconsideration will not be granted “unless the [trial] court is  
13 presented with newly discovered evidence, committed clear error, or if there is an  
14 intervening change in the controlling law.” 3 Wagstaffe, *Rutter Group Practice Guide:*  
15 *Federal Civil Procedure Before Trial*, ¶12:158 at 12-67 (2016), quoting, *Kona Enterprises,*  
16 *Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Similarly, Local Bankruptcy  
17 Rule 9013-4 applies to contested matters, and the grounds for a new trial or hearing, or  
18 reconsideration of an order, under this rule include errors of law at trial, insufficiency of  
19 evidence or newly discovered evidence.

20       Under these legal standards, Plaintiff has not shown by her reconsideration  
21 motions that reconsideration of the court’s order is appropriate here since there is no  
22 demonstration that the court, in denying her motion to remand, committed any error of  
23 law, that movant is presenting newly discovered evidence or that there is an intervening  
24 change in the controlling law. In her reconsideration motions, Plaintiff simply reargues  
25 the grounds for her motion to remand that the court considered in the first place, that the  
26 court does not have jurisdiction over the state court action removed by Defendants to this  
27 court, and as set forth in the court’s memorandum decision and order, ECF 15, the  
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1 motion to remand was properly denied because the court has “related to” jurisdiction  
2 under 28 U.S.C. § 1334 and the court is not deprived of jurisdiction under *Gunn v.*  
3 *Minton*, 133 S.Ct. 1059, 1065-1069 (2013) because the Supreme Court in that case only  
4 held that the legal malpractice claim arising out of a federal patent case was not subject  
5 to the exclusive jurisdiction of the federal courts, and not that the federal courts had no  
6 jurisdiction.

7 Accordingly, the court denies Plaintiff’s motions for reconsideration of the court’s  
8 memorandum decision and order denying her motion to remand the removed state court  
9 action and orders that Plaintiff may not file and may not serve another motion for  
10 reconsideration of the memorandum decision and order denying her motion to remand  
11 without obtaining prior authorization of the court.

12 IT IS SO ORDERED.

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23 Date: February 28, 2017



24 Robert Kwan  
25 United States Bankruptcy Judge  
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